

Jean and John Kircher, Owners

Programmers Broadcasting, Inc. Minot, North Dakota

My husband and I are the owners of three full-power FM's in North Dakota - one in Bottineau (KBTO-FM), and two (KWGO-FM & KTZU-FM) serving the Minot, Burlington, and Velva markets. Ours are the only locally owned commercial radio stations in these markets.

The problem with a lack of localism in radio is not a problem that can be blamed on the Radio industry as a whole. If there truly is a problem, it lies with the vast corporate ownership of radio stations across the United States. The Commission cannot deny that radio stations owned by small companies and individuals do a far better job of serving their communities than stations owned by large corporations. The reason for this is simple: Large corporations don't, and can't care about the people and communities they serve, it's simply not physically possible. Individual owners, however, do care about their communities, and strive to super-serve them, because these owners are themselves members of the communities they serve.

The Minot market serves as a perfect example of how locally owned and operated radio stations outperform their corporate competition in serving the needs of the local community. The Commission is likely aware that Minot is the site of a deadly train derailment in 2002. That derailment, and the subsequent communications failure between local law enforcement and the Minot Clear Channel radio stations has been the subject of much controversy. The Minot derailment has been used time and again as an example of how local radio fails to serve its community. The only problem with this example is that the facts are often misstated. The communications failure was due to a number of oversights by the Minot Police Department and, to some extent, the Clear Channel Stations. The blame cannot be placed solely on shoulders of the Minot Clear Channel stations, and certainly not on the shoulders of Radio as a whole. The biggest and most important problem was that the local law enforcement

agency did not have their EAS equipment installed, much less in working order. When they couldn't run an EAS, they picked up the phone, but they were calling a phone number that was disconnected. There WAS an employee on duty at the radio stations, so it would be imprudent to use this incident to justify requiring 24 hour staffing at radio stations. Having 20 people on staff at the radio stations at the time would not have changed the outcome.

At the time of this derailment our locally owned Minot-based radio stations did not yet exist, and would not be built for another three years.

Had our stations been in existence when that train derailed in 2002, there would have been another radio group for local law enforcement to reach out to. There would have been another radio group

taking part in monthly EAS tests, and thus another radio group to bring attention to the fact that alerts were not being issued by local law enforcement.

As it stands today, our radio stations and the Minot Clear Channel stations communicate regularly to ensure the EAS system is working properly. The Police Department has the personal phone numbers of all key radio station personnel for use in the event of an emergency. And those numbers do get used. Our policy is to have personnel physically at the studio in all times of emergency. We do, however, have the ability to broadcast on our stations from our home if need be. We can break in with an emergency announcement, even if we're miles away from the studio. This can save precious time in a case like the 2002 derailment. And it would have been an excellent way to get the word out to the general public without endangering the life of an announcer by requiring him or her to drive through a deadly cloud of anhydrous ammonia in order to get to the station and go on the air. With this technological ability to access our airwaves from home, our stations ARE staffed around the clock, but in a much more reasonable, practical, and cost-effective way than what is being proposed.

We ask that the Commission also please consider the enormous difficulty in finding individuals even willing to take an overnight radio job. Requiring us to staff 24 hours puts a massive and unnecessary burden on local radio stations, which, quite frankly, already "have it covered".

As locally owned and operated radio stations, our programming centers on our community. We have live and local announcers, local weather forecasts with up-to-the-second weather conditions, 24 hour severe weather and emergency incident coverage, locally produced newscasts, our music logs are carefully scheduled each day by our own staff, and we have one of the most active public service departments in the country. Nearly every day we have guests from various organizations join us live to talk about their cause or event. The Minot Police Department has a standing invitation that is used regularly to talk about whatever issues need addressing. Just yesterday, our guest Police Officer warned residents of a scam where would-be burglars are "casing" homes for break-in. We air thousands of PSAs each year, and we contribute hundreds of thousands of dollars in free airtime to any number of local charitable events.

The beauty of the current climate is that we are free to serve our audience with the utmost enthusiasm and in the unique way that we know will work for each event. Regulating the way we serve our community will stifle the very enthusiasm and creativity that makes our current methods so effective. A community's needs can change from day to day, we need to be able to have the flexibility to change with them.

It's no secret that the primary objective of Corporate Radio is to make a profit. Serving the local community is far down the list of priorities, if it's on the list at all. Add to that the fact that the

individuals calling the shots do not live anywhere near the communities they are supposed to represent, it's no wonder that Corporate Radio struggles to serve it's communities. And more often than not, the employees who actually do work in those communities are powerless to do anything about it, because they have no authority. Imposing time-consuming and costly rules and restrictions on all radio stations across the nation because of Corporate Radio's failure to serve its communities would be an injustice to those of us who are serving the best interests of our community.

As for the argument that the airwaves on which we broadcast are "free" - we paid nearly a half million dollars to the federal government just to obtain our licenses for our two newest stations, plus hundreds of thousands more to build the facilities. That most certainly is not free. Commercial radio is not subsidized in any way by taxpayers. The airwaves are simply regulated by the federal government. Government licensing was necessary to prevent broadcast interference, and licenses were issued to serve "the public interest, convenience and necessity".

The public interest is not being served by allowing corporations to amass such large quantities of stations across the nation. It is in this area where more regulation is needed. Time and again, it has been proven that more competition results in better service to the customer. Allowing big corporations to control such a large portion of the spectrum is what has led to this current climate of uncertainty over whether or not the public is being properly served by radio.

More locally owned radio stations and thus more competition to provide better service to your listeners, that is what keeps localism alive and well, not more rules and regulations.